IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25026 of 2005

Between:

Emmani Kameswaramma and another

..... PETITIONERS

AND

Station House Officer Cherakapally Police Station
Cherakapally Mandal Guntur District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in interfering with the civil dispute in respect of an extent of Ac.1.11 cents lying in R.S.No.269/4 of Balusupalem village, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

It is stated that there are certain civil disputes pending between the petitioners and the 2nd respondent in respect of the property mentioned in the writ petition. It is further stated that the mother of the 2nd respondent filed a suit in O.S.No.280/1989 on the file of the
I Additional Munsif Magistrate, Repalle for permanent injunction stating that the property was gifted to the mother of the 2nd respondent by her father-in-law, and the said suit was decreed. Against which, the petitioners filed an appeal and it is pending.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion as to who is in actual possession of the property in question. However, without there being any complaint/report from anybody, the police cannot interfere with the civil disputes. It is stated that without there being any complaint/report filed against the petitioners, the 1st respondent is calling upon the petitioners to the police station and pressurizing them to settle the civil dispute existed in between the petitioners and the 2nd respondent.

In that view of the matter, I deem it appropriate to dispose of the writ petition, with a direction to the 1st respondent not to interfere with the personal life and liberty of the petitioners, particularly in the civil dispute existed in between the petitioners and the 2nd respondent, without there being any complaint against them. However, it is left open for the 1st respondent to register a case and investigate into, if there is any complaint/report is filed against the petitioners and if the allegations in the complaint

made out prima facie a cognizable offence.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 24.11.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr